

Message Text

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FOR NORRIS AND SCHWEBEL

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TAGS: UNIDO, EIND, OCON, PORG

SUBJECT: IGC-V - "PAKCAGE" AGREEMENT RE DRAFT CONSTITUTION

REF: (A) VIENNA 2176; (B) VIENNA 2393; (C) STATE 71611

1. SUMMARY: IN THE PROCESS OF REACHING WHAT IS FROM U.S. POINT OF VIEW A FAVORABLE AGREEMENT ON COMPOSITION OF INDUSTRIAL DEVELOPMENT BOARD (IDB) AND PROGRAM AND BUDGET COMMITTEE (PBC) AS DEFINED IN REFTEL (A), U.S. DEL HAS SIMULTANEOUSLY NEGOTIATED FOR MOST FAVORABLE POSITION VOTE COMPUTATION. DEPT WILL NOTE THAT VOTE COMPUTATION, WHICH IS STRONGLY PREFERS IN REFTEL (C), PARA 2, WAS SPECIFICALLY PROPOSED TO G-77 AS REPORTED IN REFTEL 2393, PARA 6, IN OFFERING ALTERNATIVE OF (A) PBC OF 27 MEMBERS (FAVORED BY U.S.) COMPUTING VOTE BY "PRESENT AND VOTING" (FAVORED BY G-77) OR A PBC OF 28 MEMBERS (FAVORED BY G-77) COMPUTING VOTE BY "PRESENT" (FAVORED BY U.S. AND AS DEFINED IN REFTEL (C), PARA 1 FORMULA FOR COUNTING ABSTENTIONS.) AT ALL STAGES OF NEGOTIATIONS OF PBC AND IDB SUCH TRADE-OFFS WERE CAREFULLY CONSIDERED BY BOTH SIDES. IF U.S.

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REOPENED THIS ISSUE AT THIS STAGE, WE COULD BE JUSTIFIABLY ACCUSED BY MEMBERS OF G-77 AND GROUP B OF ATTEMPTING TO TORPEDO A MAJOR ELEMENT OF AGREEMENT. END SUMMARY.

2. HISTORY OF DEVELOPMENT OF DEPT'S. REFTEL (C), PARA 2, VOTING COMPUTATION FORMULA FOLLOWS: DEPT. AND IGC NEGOTIATION. BACKSTOPPING GROUP FOR IGC-III, IGC-IV, AND

IGC-V HAS CONSIDERED THREE METHODS OF ATTAINING A BLOCKING THIRD. U.S. POSITIONS HAVE BEEN FORMULATED TO BALANCE (A) COMPOSITION OF MEMBERSHIP BY GEOGRAPHICAL GROUPS, (B) REQUIRED VOTING MAJORITY, E.G., SIMPLE, 2/3, 3/4, ETC., AND (C) MEMBERS TO WHICH MAJORITY APPLIES, VIZ., EITHER TOTAL MEMBERSHIP OF BODY, OR THOSE "PRESENT" (AS DEPT. RECOMMENDS REFTEL (C), PARA 2) OR THOSE "PRESENT AND VOTING". THE IGC-V SCOPE PAPER UNDER ISSUE 4 DEFINES A SERIES OF PREFERRED AND FALLBACK POSITIONS TAKING ACCOUNT OF ALL THREE METHODS OF VOTE COMPUTATION. DRAWING ON THIS SCOPE PAPER, U.S. STRATEGY PAPER, TAB 1, PAGE 1 DEFINED THE U.S. BREAKING POINT POSITION AS "2/3 OF PRESENT AND VOTING" WITH CLEAR AWARENESS THAT THE TERM OF ART "PRESENT AND VOTING" WAS A SECOND FALLBACK FROM THE TERMS OF ART OF "TOTAL MEMBERSHIP" AND "MEMBERS PRESENT". US DEL HAS NEGOTIATED FAVORABLE RESULT ACCORDINGLY.

3. DEPT. WILL NOTE THAT PBC AND IDB RESULTS ARE FAVORABLE BY COMPARING VIENNA 2393, PARA 3, U.S. BREAKING POINTS, WITH VIENNA 2176, PARA 2, AGREEMENT REACHED: WE HAVE ACHIEVED IDB OF MINIMUM NUMBER UNDER NEGOTIATION AT BREAKING POINT GEOGRAPHICAL PERCENTAGES AND WE HAVE ACHIEVED PBC WITH GROUP B VOTE OF 33.3 PERCENT COMPARED TO BREAKING POINT OF 30.0 PERCENT AND GROUP D VOTE OF 11.1 PERCENT COMPARED TO BREAKING POINT OF 8 PERCENT FOR A TOTAL GROUP B AND D PERCENT OF 44.4 PERCENT COMPARED TO A BREAKING POINT OF 40 PERCENT.

4. IN FURTHER EXPLANATION OF HISTORY, DEPT. WILL NOTE LIMITED OFFICIAL USE

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THAT MEMBERS FROM ALL GROUPS HAVE BEEN AWARE OF THREE TERMS OF ART AT PLAY IN COMPUTING A BLOCKING THIRD. DURING FIRST WEEK OF IGC-V GROUP B'S LEGAL SUB-GROUP DEFINED THESE TERMS OF ART FOR GROUP B IN A WRITTEN REPORT DATED MARCH 8 AS (A) "MEMBERS OF THE CONFERENCE/IDB/PBC", (B) "AFFIRMATIVE VOTES OF MEMBERS PRESENT", AND (C) "THOSE PRESENT AND VOTING". ALL GROUPS WERE AWARE OF THREE METHODS OF COMPUTING VOTES SINCE SENIOR OFFICER OF UN GENERAL LEGAL DIVISION, PAUL SZASZ, DEFINED AT A BUDGET ISSUES SUB-GROUP MEETING THE DEPT'S. REFTEL (C), PARA 2 INTERPRETATION AS "THOSE PARTICIPATING IN THE VOTE". SZASZ ALSO PARTICIPATED IN LONG DISCUSSION IN INFORMAL BUDGET DRAFTING GROUP WHICH CENTERED ON THE THREE METHODS OF COMPUTING VOTES.

5. IN CONCLUSION, U.S. DEL AGREES WITH DEPT'S. STRONG PREFERENCE FOR COUNTING ABSTENTIONS IN BLOCKING THIRD. U.S. DEL HAS NEGOTIATED USING ADVOCACY FOR THIS COMPUTATION METHOD TO EXTRACT G-77 CONCESSIONS ON NUMBERS AND COMPOSITION.

TIONS OF IDB AND PBC. U.S. DEL ASSUMES, NOW THAT DEPT.
IS INFORMED DETAILS IGC-V NEGOTIATING HISTORY, THAT
DEPT. DOES NOT INTEND U.S. DEL TO REOPEN PACKAGE AGREEMENT
WITH RESULTANT DAMAGE TO CONCLUSION OF IGC-V, PROBABLE LOSS
OF G-77 CONCESSIONS ON NUMBERS AND COMPOSITION OF BOARD,
AND INCREASED LIKELIHOOD OF THIS IMPORTANT CLUSTER OF ISSUE
BEING REFERRED TO PLENIPOTENTIARY. STIBRAVY

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